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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,876	04/14/2004	Bernhard Beer	18584-0014	6181
29052	7590	05/04/2006	EXAMINER	
SUTHERLAND ASBILL & BRENNAN LLP 999 PEACHTREE STREET, N.E. ATLANTA, GA 30309			FERGUSON, MICHAEL P	
		ART UNIT		PAPER NUMBER
				3679

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/823,876	BEER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael P. Ferguson	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6 and 8-33 is/are pending in the application.
- 4a) Of the above claim(s) 6,9,20,23,29 and 32 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5,8,10-19,21,22,24-28,30,31 and 33 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 14 April 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Election/Restrictions***

1. Claims 6,9,20,23,29 and 32 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on October 25, 2005.

### ***Claim Objections***

2. Claim 25 is objected to because of the following informalities:

Claim 25 (line 5) recites "and positive contact at the lower edge". It should recite --and positively contact the lower edge--.

For the purpose of examining the application, it is assumed that appropriate correction has been made.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5,8,10-19,21,22,24-28,30,31 and are 33 rejected under 35

U.S.C. 102(b) as being anticipated by Lopez-Crevillen et al. (US 4,394,853).

As to claim 1, Lopez-Crevillen et al. disclose a fastening element capable of use with plastic containers, the fastening element comprising a plurality of first bushings **56**, each having a longitudinal axis, interconnected by connecting bridges **52,54,55**, the

connecting bridges each defining a planar axis **54,55** that is essentially parallel to the longitudinal axis of the first bushings (Figures 3 and 5).

As to claim 2, Lopez-Crevillen et al. disclose a fastening element wherein the bushings **56** are made of the same material (cross-section; Figure 3) as the connecting bridges **52,54,55** connecting the bushings.

As to claim 3, Lopez-Crevillen et al. disclose a fastening element wherein the bushings **56** and connecting bridges **52,54,55** are made of metal (cross-section; Figure 3).

As to claim 4, Lopez-Crevillen et al. disclose a fastening element wherein the first bushings **56** and the connecting bridges **52,54,55** are made of metal (cross-section; Figure 3), and the fastening element is formed as a single piece, or the first bushings and the connecting bridges are joined by welding (column 3 lines 7-8).

As to claim 5, Lopez-Crevillen et al. disclose a fastening element wherein the connecting bridges **52,54,55** are formed as a metal sheet (cross-section; Figure 3).

As to claim 8, Lopez-Crevillen et al. disclose a fastening element wherein the metal sheet **52,54,55** is beaded or has an L-shaped cross-section (cross-section; Figure 3).

As to claim 10, Lopez-Crevillen et al. disclose a plastic container **27,42** (comprising plastic seal **42**) for liquids comprising an opening, a flange **35,36** being formed along at least a portion of the periphery of the opening, the flange having recesses **63** extending through the thickness of the flange to accommodate the first bushings **56** of the fastening element, wherein the upper edge of the connecting bridges

**52,54,55** of the fastening element makes accurate fitting and positive contact at the lower edge of the flange following attachment of the fastening element to the plastic container (Figure 5).

As to claim 11, Lopez-Crevillen et al. disclose a plastic container wherein the plastic container is an engine oil pan or a transmission oil pan (Figure 5).

As to claim 12, Lopez-Crevillen et al. disclose a fastening system capable of use with liquid-proof flanging or attachment of plastic containers for liquids, the fastening system comprising a fastening element having a plurality of first bushings **56** each having a longitudinal axis, interconnected by connecting bridges **52,54,56** each defining a planar axis **54,55** that is parallel to the longitudinal axes of the first bushings, and a flange **35,36** (Figures 3 and 5).

As to claim 13, Lopez-Crevillen et al. disclose a fastening system wherein the flange **35,36** is arranged along at least a portion of the periphery of an opening of the plastic container (Figure 5).

As to claim 14, Lopez-Crevillen et al. disclose a fastening system wherein the flange **35,36** has recesses **63** extending through the thickness of the flange to accommodate the first bushings **56** of the fastening element (Figure 5).

As to claim 15, Lopez-Crevillen et al. disclose a fastening system wherein following attachment of the fastening element to the plastic container, the connecting bridge **52,54,55** of the fastening element makes accurately fitting and positive contact at the lower edge of the flange **35,36** (Figures 3 and 5).

As to claim 16, Lopez-Crevillen et al. disclose a fastening system wherein the bushings **56** are made of the same material (cross-section; Figure 3) as the connecting bridges **52,54,55** connecting the bushings.

As to claim 17, Lopez-Crevillen et al. disclose a fastening system wherein the bushings **56** and the connecting bridges **52,54,55** are made of metal (cross-section; Figure 3).

As to claim 18, Lopez-Crevillen et al. disclose a fastening system wherein the first bushings **56** and the connecting bridges **52,54,56** are made of metal (cross-section; Figure 3), and that the fastening element is formed as a single piece, or the first bushings and the connecting bridges are joined by welding (column 3 lines 7-8).

As to claim 19, Lopez-Crevillen et al. disclose a fastening system wherein the connecting bridges **52,54,55** are in the form of a metal sheet (cross-section; Figure 3).

As to claim 21, Lopez-Crevillen et al. disclose a fastening system wherein the width of the metal sheet **54,55** is essentially parallel to the longitudinal axes of the first bushings **56** (Figure 3).

As to claim 22, Lopez-Crevillen et al. disclose a fastening system wherein the metal sheet **52,54,55** is beaded or has an L-shaped cross-section (Figure 3).

As to claim 24, Lopez-Crevillen et al. disclose a fastening system wherein the plastic container is an engine oil pan or a transmission oil pan (Figure 5).

As to claim 25, Lopez-Crevillen et al. disclose a fastening element capable of use with liquid-proof fastening of plastic containers for liquids to other component parts, the fastening element being present in the form of a support or connecting bridge **52,54,55**

to receive and arrange a plurality of first bushings **56**, the fastening element comprising bushing-receiving elements (weld beads; column 3 lines 7-8) allowing insertion of bushings, the fastening element being adapted so as to accurately fit and positively contact the lower edge of a flange **35,36** of an opening of the plastic container after attachment, the fastening element allowing insertion of bushings into bushing-receiving elements of the fastening element and thereafter into bushing-receiving elements **63** of the flange (Figures 3 and 5).

As to claim 26, Lopez-Crevillen et al. disclose a fastening element wherein the bushing-receiving elements (weld beads; column 3 lines 7-8) of the fastening element are through-holes.

As to claim 27, Lopez-Crevillen et al. disclose a fastening element wherein the fastening element is made of metal (cross-section; Figure 3).

As to claim 28, Lopez-Crevillen et al. disclose a fastening element wherein the fastening element is in the form of a metal sheet (cross-section; Figure 3).

As to claim 30, Lopez-Crevillen et al. disclose a fastening element wherein the metal sheet **54,55** defines a plane **54,55** essentially parallel to the longitudinal axes of the first bushings **56** (Figure 3).

As to claim 31, Lopez-Crevillen et al. disclose a fastening element wherein the metal sheet **52,54,55** is beaded or has an L-shaped cross-section (cross-section; Figure 3).

As to claim 33, Lopez-Crevillen et al. disclose a fastening system comprising a fastening element and bushings **56** having a widened portion on the outside thereof, the

bushings allowing accurate fitting and positive insertion thereof into the bushing-receiving elements (weld beads; column 3 lines 7-8) of the fastening element, and the widened portion of the bushings preventing slipping of the bushings through the bushing-receiving elements of the fastening element.

***Response to Arguments***

5. Applicant's arguments filed April 14, 2006 have been fully considered but they are not persuasive.

As to claims 1 and 12, Attorney argues that:

Lopez-Crevillen et al. does not disclose a fastening element *wherein the connecting bridges each define a planar axis that is essentially parallel to the longitudinal axis of the first bushings.*

Examiner disagrees. As to claims 1 and 12, Lopez-Crevillen et al. disclose a fastening element wherein the connecting bridges **52,54,55** each define a planar axis **54,55** that is essentially parallel to the longitudinal axis of the first bushings **56** (Figures 3 and 5).

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
MPF  
04/28/06

  
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